

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, WI 53707

LONG-TERM CARE PERFORMANCE BOND
(For Use by Hazardous Waste Facilities)
Form 4400-130 Rev. 04-01

KNOW ALL MEN BY THESE PRESENTS, that _____
(Owner)
of _____,
(Address)

as Principal, and _____,
(Name of Surety Company)

(Address of Surety Company)

a surety company organized and existing under the laws of the State of _____ and duly authorized to do surety business in the State of Wisconsin, as Surety, are held and firmly bound unto the State of Wisconsin Department of Natural Resources, as Obligee, in the penal sum of _____ dollars (\$ _____), for payment of which, well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the Principal owns a hazardous waste facility named _____,

EPA Identification Number _____, located in _____,
(Section, Township and Range)

Town/City/Village of _____, _____ County, Wisconsin, and that

facility is subject to either the closure requirements of the plan of operation approval issued by the Obligee dated _____, and any amendments thereto or the long-term care requirements of section NR 685.06,
(Date)

Wisconsin Administrative Code, if applicable to the facility.

WHEREAS, section 289.41, Wisconsin Statutes, requires that the Principal provide the Obligee with proof of financial responsibility ensuring that the long-term care requirements of the plan of operation approval, if any, shall be complied with by the Principal and any successor in interest.

WHEREAS, this bond is written to provide proof of financial responsibility pursuant to section 289.41, Wisconsin Statutes, and section NR 685.07, Wisconsin Administrative Code, as amended, to ensure compliance with the long-term care requirements of the plan of operation approval and any amendments thereto or the long-term care requirements in sections NR 685.06, Wisconsin Administrative Code, if applicable, and shall insure to the benefit of the Obligee.

NOW, THEREFORE, the condition of this obligation is such that if the Principal or any successor in interest complies with the long-term care requirements anticipated in the plan of operation approval and any amendments thereto or the long-term care requirements in section NR 685.06, Wisconsin Administrative Code, if applicable, and provides long-term care for such facility in accordance with these long-term care requirements, then and only then, this obligation shall be void; otherwise, it shall remain in full force and effect.

All or any part of this bond may be withdrawn by the Obligee, upon written request by the Secretary of the Obligee and in accordance with section NR 685.07, Wisconsin Administrative Code, as amended, to be used to carry out the long-term care requirements of the plan of operation approval and any amendments thereto or the long-term care requirements of section NR 685.06, Wisconsin Administrative Code, if applicable, if the Principal or any successor in interest fails to do so.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the full penal sum of this bond, but in no event shall the obligation of the Surety hereunder exceed the full penal sum of this bond. Release or discharge of the Surety shall not release the Principal or any successor in interest from the obligation to fully and completely comply with all long-term care requirements anticipated in the plan of operation approval and any amendments thereto or all long-term care requirements in section NR 685.06, Wisconsin Administrative Code, if applicable. The insolvency or bankruptcy of the Principal shall not constitute a defense to the Surety with regard to any claim of liability on the obligation of this bond. No amendment to the plan of operation approval shall release the Surety from its obligation under this bond.

The Surety hereby waives notification of any failure on the part of the Principal or any successor in interest to faithfully comply with the terms of the plan of operation approval or any amendments thereto or the long-term care requirements in section NR 685.06, Wisconsin Administrative Code, if applicable, and lack of notice from the Obligee shall not bar or limit recovery against the Surety.

This bond is effective on _____, and shall continue in force until terminated as hereinafter provided.
(Date)

As long as any obligation of the owner or any successor in interest for long-term care in accordance with the plan of operation approval and any amendments thereto or the long-term care requirements in section NR 685.06, Wisconsin Administrative Code, if applicable, exists, this bond shall not be canceled by the Surety unless a replacement bond or other proof of financial responsibility acceptable to the Obligee is provided to the Obligee. If the Surety proposes to cancel this bond, notice shall be provided to the Obligee and the principal in writing by registered or certified mail not less than 120 days prior to the proposed cancellation date. Not less than 30 days prior to the expiration of the 120 day notice period, the Principal shall deliver to the Obligee a replacement bond or other proof of financial responsibility under section 289.41, Wisconsin Statutes. In the absence of the delivery of a replacement bond or other acceptable proof of financial responsibility, all facility operations shall immediately cease and this bond shall remain in full force and effect as long as any obligation of the Principal or any successor in interest for long-term care in accordance with the plan of operation approval and any amendments thereto or the long-term care requirements of sections NR 685.06, Wisconsin Administrative Code, if applicable, remains unsatisfied.

Signed, sealed and dated _____.
(Date)

Principal

Surety

Attorney in Fact

Bond Number _____